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60246-296

DEC 26 2006

REMARKS

The Examiner objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Figure 1 has been amended to show a grill 21. Support for this amendment is found in paragraph 25 of the application.

Claims 1, 4-9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. in view of Cihanek. The Examiner states that it is common practice to seal and store packages in cold storage areas to extend the shelf life of the products to be dispensed, and it would be obvious to include a refrigeration mechanism to maintain the temperature of the content regardless of the outside environmental conditions to extend shelf life of the product. Applicant respectfully disagrees.

Kaufman et al. discloses an interactive medication delivery system 100 for medication. The system 100 oversees and coordinates the administration of complex medication regimens to the elderly at home without day to day supervision of medical personnel. The medication is prepackaged in sealed blister packages 102 prepared by a pharmacy or drug distributor that contain dosages of all the medications prescribed to be taken at a given time (column 5, lines 8 to 18). The system 100 ejects the packages 102 for the patient.

The claimed invention is not obvious. First, there is no reason to employ a refrigeration mechanism in the system 100 of Kaufmann et al. Kaufmann et al. discloses using the sealed packages 102 to lengthen the "shelf life" of the medication (column 5, lines 13 to 16). Kaufmann et al. addresses the issue of extending the shelf life of medication. Further adding a refrigeration mechanism to the system would add unnecessary additional expense as the sealed packages 102 already provide this function. Therefore, there is no reason or motivation to employ a refrigeration mechanism to cool the medication as the sealed packages already extend the shelf life of the medications.

Additionally, the claimed invention is not obvious because a refrigeration mechanism would provide no benefit in Kaufmann et al. In Kaufmann et al., medication is given to a patient in a controlled amount. Although refrigeration can extend the shelf life of products over time, the medication in Kaufmann et al. is not given to patients in a quantity that is high enough to require refrigeration. All the medication is contained in one package 102, and therefore the blister packages 102 include pills, not liquid. Medication is generally given to patients in a small

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amount, such as 30 to 90 pills. This small quantity of medication would only be stored by the patient for a short amount of time before use. A refrigeration system would have no effect on an item that would only be stored for a short period of time, and therefore there is no reason to extend the shelf life of the medication using a refrigeration mechanism. The claimed invention is not obvious.

Finally, there is no motivation to employ a refrigeration mechanism in Kaufman et al. because of Cihanek. Cihanek relates to a point of sale merchandiser for merchandising products near a cashier counter. One skilled in the art would not consider the point of sale merchandisers when seeking to modify the medication delivery system of Kaufman et al. There is no reason or motivation to employ these features in the device of Kaufman et al. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

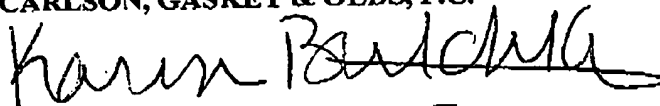
Claims 2, 3, 10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman in view of Cihanek and Tansley (US Patent No. 2,315,827). Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman in view of Cihanek, Tansley and Nigro (US Patent No. 3,998,238). Claims 2, 3 and 11-17 depend on patentable independent claim 1 and are allowable for the reasons set forth above. The claimed invention is not obvious because it is not obvious to employ a refrigeration mechanism in Kaufman et al. Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1-20 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

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Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

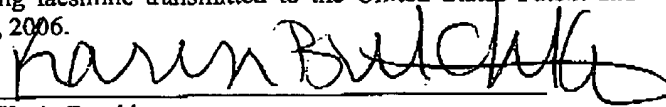


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CERTIFICATE OF FACSIMILE

I hereby certify that this response is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on December 26, 2006.



Karin Butchko